



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 1370-00  
3 March 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LTCOL [REDACTED] USMCR [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 10 Dec 99 w/attachments  
(2) HQMC MMER memo dtd 22 Feb 00 w/encl  
(3) HQMC RAM memo dtd 17 Feb 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by modifying the fitness report for 1 January to 17 June 1992, a copy of which is at Tab A to enclosure (1). As indicated in enclosure (2), the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) has modified the fitness report as he requested. HQMC has also corrected errors in his record regarding the fitness reports for 28 July to 31 December 1990, 1 December 1996 to 30 November 1997, and 1 December 1997 to 13 September 1998. Petitioner further requested removal of his failure of selection before the Fiscal Year (FY) 2000 Reserve Colonel Selection Board, so as to be considered by the selection board that is scheduled to convene on 3 April 2000 to consider officers of his category for promotion to the grade of colonel as an officer who has not failed of selection to that grade. Finally, he requested a special selection board.

2. The Board, consisting of Messrs. Pfeiffer and Zsalman and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 2 March 2000, and pursuant to its regulations, determined that the limited corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (3), the HQMC office having cognizance over the subject matter of Petitioner's requests to strike his failure of selection for promotion and to be granted a special selection board has commented to the effect that these requests have merit and warrant favorable action.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds an injustice warranting partial relief, specifically, removal of Petitioner's failure of selection for promotion to colonel.

The Board agrees with enclosure (3) in finding that Petitioner's failure of selection should be stricken. However, they find that a special selection board is not warranted. They conclude that Petitioner's consideration by a regular board, with a corrected fitness report record and status as not having failed of selection to colonel, will provide him adequate relief. In this regard, they particularly note that the next regular board is to convene imminently, on 3 April 2000.

In view of the above, the Board directs the following limited corrective action:

#### RECOMMENDATION:

a. That Petitioner's record be corrected so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to colonel as an officer who has not failed of selection for promotion to that grade.


b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

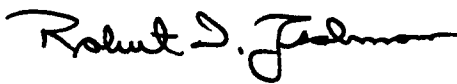
d. That Petitioner's request for a special selection board be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

1370-00

IN REPLY REFER TO:

1610  
MMER  
22 Feb 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF LIEUTENANT COLONEL [REDACTED]  
[REDACTED] USMCR

Encl: (1) Copy of CMC ltr 1610 MMER/PERB of 9 Feb 00  
(2) CMC Advisory Opinion 1610 MMOA-4 of 17 Feb 00  
(3) Copy of CMC ltr 1610 MMER of 17 Feb 00

1. As evidenced by enclosure (1), PERB effected corrective action to Lieutenant Colonel [REDACTED] fitness report for the period 920101 to 920617 (CH).

2. We defer to BCNR on the issue of Lieutenant Colonel [REDACTED] request for the removal of his failure of selection to the grade of Colonel. Enclosure (2) is furnished to assist in resolving that matter.

3. By enclosure (3), this Headquarters provided Lieutenant Colonel [REDACTED] with a copy of the Advisory Opinion contained at enclosure (2).

[REDACTED]  
[REDACTED]  
Head, Performance Evaluation  
Review Branch  
Personnel Management Division  
By direction of the Commandant  
of the Marine Corps



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

1370-00

IN REPLY REFER TO:  
1610  
MMER/PERB  
- 9 FEB 2000

From: Commandant of the Marine Corps  
To: Lieutenant Colonel [REDACTED] SMCR

Subj: CORRECTION TO NAVAL RECORD

Ref: (a) MCO 1610.11C

1. Per the provisions of the reference, the Performance Evaluation Review Board (PERB) has reviewed allegations of error and injustice in your Naval record.

2. Having reviewed all the facts, the Board has directed that your fitness report for the period 920101 to 920617 (CH) will be amended as set forth below:

a. Item 15: Change to reflect a mark of "1" in the "outstanding" column

b. Reporting Senior's Certification (page two): Elimination of the first six names

3. The Commandant of the Marine Corps is not empowered to grant or deny the removal of failure(s) of selection from a Naval record. Accordingly, your case will be forwarded to the Board for Correction of Naval Records (BCNR) for consideration of that issue.

[REDACTED]  
By direction



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HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
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1370-00

IN REPLY REFER TO:

1610

RAM

17 Feb 00

RESERVE AFFAIRS MANPOWER BRANCH COMMENT on MMER r/s of 10 Feb 00

Subj: REQUEST FOR ADVISORY OPINION IC [REDACTED]  
[REDACTED] USMCR

Ref: (a) MMER r/s dtd 10 Feb 00

1. Recommend approval of Lieutenant Colonel [REDACTED] request for removal of failure of selection and to be considered by a Special Selection board.

2. Lieutenant Colonel [REDACTED] successfully petitioned the Performance Evaluation Review Board (PERB) for the amendment of a fitness report for the period 920101 to 920617. Additionally, LtCol [REDACTED] has shown that there was additional material error in his record, though he showed reasonable diligence in ensuring that his record was complete prior to his board.

3. Per your request, we reviewed Lieutenant Colonel [REDACTED] record and petition for a Special Selection Board/Removal of Failure of Selection before the FY2000 Reserve Lieutenant Colonel Selection Board. In our opinion, the material error in Lieutenant Colonel [REDACTED] record could have contributed to his failure of selection. As it is impossible to determine to what extent this material error contributed to Lieutenant Colonel [REDACTED] failure of selection, we believe that his request for a Special Selection Board/removal of failure of selection should be granted.

4. Point of contact regarding this matter [REDACTED]  
at ( [REDACTED] )

[REDACTED]  
Lieutenant Colonel, U.S. Marine Corps  
Head, Career Management Team  
Reserve Affairs Manpower Branch  
Reserve Affairs Division

1610  
MMER  
17 Feb 00

From: Commandant of the Marine Corps  
To: Lieutenant Colonel [REDACTED] USMCR  
[REDACTED]

Subj: CORRECTION OF NAVAL RECORD

Ref: (a) CMC ltr 1610 MMER/PERB of 9 Feb 00; same subject

Encl: (1) Copy of CMC Advisory Opinion 1610 RAM of 17 Feb 00

1. In the referenced letter, you were advised that your Application for Correction of Naval Record would be forwarded to the Board for Correction of Naval Records (BCNR) for a decision regarding your request for the removal of your failure of selection.

2. For your information, the enclosure is a copy of the Advisory Opinion provided to BCNR for their utilization in resolving the failure of selection issue. Inquiries concerning this matter should be directed to the BCNR Case Examiner [REDACTED] at [REDACTED].

[REDACTED]  
By direction

Copy to:  
BCNR [REDACTED]